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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/522,806	01/31/2005	Hideaki Irisawa	SEK-0007	8326

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EXAMINER

NEILS, PEGGY A

ART UNIT PAPER NUMBER

2875

DATE MAILED: 11/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/522,806

Applicant(s)

IRISAWA, HIDEAKI

Examiner

Peggy A. Neils

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>1/31/2005</u> | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Objections

Claims 2-4 are objected to because of the following informalities: In Claim 2, there is no antecedent basis for "the tubular grip portion", "the light emitting lamp portion", and "the battery built-in". Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis in view of Solomon.

Ellis shows a portable signal light, which includes a transmitter 320, receiver 326 and a warning device 330 which can be a light (see column 19, beginning at line 55). The portable signal light can be telescopically closed (see column 19, beginning at line 40). The specification states that the transmitter may be any suitable signal transmitter (see column 8, beginning at line 6) and the same goes for the receiver as discussed in column 8 at line 34. The walking stick shown in Figures 12a-c is disclosed as containing similar elements as that disclosed for the vehicle shown in Figures 3 and 4. Ellis does not disclose the type of warning lights that could be used in the signal device. Solomon is cited for teaching that it is known in the art to have a portable signal light which uses light emitting diodes (LEDs) as the light source and includes also the an

infrared data link 50 for controlling illumination of the device which may communicate to an remote device (see column 3, beginning at line 50). It would have been obvious to one skilled in the art that Ellis could be modified to include LEDs as the warning lights in the walking stick as they operate more efficiently and brighter than conventional lighting and to use an infrared remote system for controlling the device in the same manner as taught by Solomon because Ellis does not view the type of device as critical to invention but instead suggests that any type of transmitter/receiver system can be used. To provide for a removable remote control device is considered a design choice. Both references teach that a remote can be used.


Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis and Solomon as applied to claim 2 above, and further in view of Riblett.

Riblett teaches that it is known in the art to have a portable light stick with a detachable light emitting lamp portion. It would have been obvious to one skilled in the art that Ellis could be modified to include a detachable portion for the light stick in the same manner as taught by Riblett because both references are directed to portable signal devices.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Ahn, Lee, Molinaroli are cited of interest.

Any inquiry concerning this communication or earlier communications should be directed to Examiner Neils at (571) 272-2377 on a Monday or Thursday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378.


Stephen Husar
Primary Examiner